
A
Serious Inquiry

Into that Weighty

Case of Conscience,

**Whether a Man may Lawfully Marry
his Deceased Wife's Sister.**

By J. Q.

A

Actions and Remedies

Part the First

Care of Conscience

By the Rev. John W. Alden, D.D.
President of the University of Cambridge

B. 1. 6

Serious Inquiry

Into that Weighty

Case of Conscience,

Whether a Man may Lawfully Marry
his Deceased Wife's Sister:

John (the Baptist) said unto Herod, it is not Lawful
for thee to have thy Brother's Wife, Matth. 14. 4.

None of you shall approach to any that is near of kin to
him, to uncover their nakedness, I am the Lord,
Levit. 18. 6.

And if a Man shall take his Sister, his Father's Daughter,
or his Mother's Daughter, and see her nakedness, and
she see his nakedness, it is a wicked thing: and they
shall be cut off in the sight of their People. He hath
uncovered his Sisters nakedness. He shall bear his Ini-
quity, Levit. 20. 17.

A Man may not Marry his Wife's Sister.

Table of Marriage set forth by Order of the Most
R. R. Dr. Parker, and Dr. Sheldon L. L.

Archbishops of Canterbury.
p. 8-9. in German Bibles, &c. touch

By JOHN QUICK Minister of the Gospel.

LONDON, Printed for J. Lawrence at the Golden Angel in the
Poultry, and R. Parker under the Royal Exchange, 1703.

THE

Case of Conscience

IN WHICH A CASE IS PRESENTED
TO THE DECISION OF THE

PROFESSORS OF THE
FACULTY OF THE
UNIVERSITY OF
CAMBRIDGE

AND OF THE
FACULTY OF THE
UNIVERSITY OF
OXFORD

IN THE YEAR 1703

BY

JOHN GREGG

OF THE FACULTY OF THE
UNIVERSITY OF OXFORD

PRINTED BY J. STANLEY AT THE SIGN OF THE
CROWN IN THE STREET

To the Truly Honoured
Sir Samuel Blewett of Walthamstow
in the County of *Essex* Knight:

S I R,

IT pleased the R. R. Pastors of this City, in one of their Synodical Assemblies, to request me to give them my Thoughts on this difficult Subject of a man's marrying his deceased Wife's Sister. The Spirit of the Prophets is subject to the Prophets, and I accounted their Request as an express Command. Their Wisdom saw further than my Weakness, who could not imagine the Reasons they had for this unusual Question. But since, I find that there was too great occasion to have it debated, for no less than Four Men, even within the Precincts of this City, as I have been most credibly informed, were unhappily involved in these sinful Marriages. The Number and Quality of the Persons was

one of those Arguments urged to me for their Legality; though the holy Spirit of God hath rendered this Argument inconclusive: We being positively and peremptorily forbidden to follow a Multitude to do evil, nor are we to walk by Example, but by Precept.

There is not a Minister of the Gospel, who doth not by Vertue of his Office lie under an indispensable Obligation to destroy Sin and save Sinners.

Possibly this poor Diatribe may contribute something thereunto, and be as a sacred Amulet, to prevent and preserve others from falling into those pernicious Snares, which is the principal Cause of its Publication. I presumed to prefix your worthy Name to its Frontispiece, thereby entitling you to its Patronage. You have Goodness enough to pardon my Presumption, and to accept of this tho' a slender Testimonial of that unfeigned Love and Honour which is born you by,

SIR, *Your most*

Humble and Obedient Servant

JOHN QUICK.

ADVERTISEMENT.

WHereas there was about Three Years since Published by Mr. *Quick*, Proposals for the Printing his *Icones Sacrae*, being the Lives of Seventy Eminent Divines, English and French in Three Volumes in Folio; the Reason of it's not Publication is this, the very next Week after the Death of his most noble Patron, who would have Printed his Works at his own Expences, it pleased God to visit Mr. *Quick* with those cruel Torturors of Scholars the Stone and Gout, the Strangury and Nephritick Collick in his Bowels, &c. together with a Complication of several other inveterate Distempers, under which he has groan'd Night and Day for above these Three Years time, so that till the Lord shall please to restore him to his former Health, that he may be able to get in Subscriptions, or to raise up for him some other munificent *Mecenas*, the Publication is suspended.

Quest. *Whether a Man may marry his Wife's Sister.*

THis Question is not about matter of Fact but of Right. For the Rule in Law is, *That is only possible which is lawful.* Nor do we here enquire about Humane Laws, such as the Imperial Civil Law, nor about Laws Ecclesiastical, such as the Decrees of Councils, or the Papal Canon-Law, whether by virtue of these such Marriages being solemnized are therefore lawful. None of these do either bind or oblige our English Protestants, our English Reformed Christians, for we are not under any foreign Power or Jurisdiction; or if we were, could that discharge us from our Antecedent Obligation to the Divine Law; but the Question is of the Divine Law, whether by the Law of God a Man is warranted in this Action? whether God doth allow and approve, and will give his good Blessing to it? A Man had need look to it that he have God's Authority for such a Marriage, for no less than his will license him to undertake it; and if he hath this, he hath that which will indemnify and save him harmless from all Impeachments and condemnatory Sentences, not only in these inferiour Terrestrial Judicatories, but from others which may be brought against him at that dreadful Tribunal of the last and great Day.

One thing more I cannot but advise my Reader of, which is this, That this Case is of very great Importance, and should be of very great Account with us Protestants. For it gave Occasion, 1. To the Abolition and Extirpation of the Papal Authority out of this Kingdom. 2. To our just Secession from the Communion of the Antichristian Church of *Rome*. 3. To the Reformation of Religion in the midst of us. For *Henry* the 8th. having married the relict of his deceased Brother (*Katherine Princess Dowager of Wales*;) by whom he had Three Children (which is the very self same Case with ours, only the Tables are turned: For if a Man may marry his deceased Brother's Widow, he may also by parity of Reason marry his deceased Wife's Sister, and if Two Brothers may not marry successively the same Woman, then also Two Sisters may not successively marry the same Man) I say that *Henry* the Eighth having married *Katherine Princess Dowager of Wales*, the Relict of his deceased Elder Brother, and this by vertue of the Pope's Dispensation, *Dr. Longland*, afterward Lord Bishop of *Lincoln*, but at that time the King's Confessor; suggested to him the unlawfulness of his present Marriage, as being incestuous, a mortal and damnable Sin. The King hereupon is wounded, or at least professed to be wounded in his Conscience, and having no rest nor quiet Night nor Day, as he solemnly declared before many Witnesses, doth endeavour a legal Divorce from his present Wife, and thereby a Legal Dissolution of that his Marriage with her.

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This Marriage having been at first consummated by Papal Authority, he applyed himself unto the Court of *Rome* for a Dissolution of it; but the Pope abroad, and his Commissioners here at home, the Cardinals *Woolsey* and *Campegius* having juggled with the King, not acting as religious Casuists, but as subtle Politicians in this Affair; after some Delays and Shiftings, they declared at last that they had not full and sufficient Powers to make a final Decision of it, and therefore dismissed the Suit back again unto the Pope; and ordered the King and Queen both to appear by their Proxies at *Rome* to receive their final Sentence. Nor at *Rome* would, or durst the Pope judge impartially of this Affair, because he was terrified by the Emperor *Charles* the 5th, Nephew to Queen *Katherine* of *England*, who appeared zealously in his Aunt's Cause, and besieged the Pope himself in *Rome*, with an Army of Lutherans under the Conduct of the Duke of *Bourbon*.

The King having been thus abused by the dilatory and deceitful Proceedings of the Papal Courts, steereth another Course, for he propounds his Case to our famous Universities of *Oxford* and *Cambridge*, and to the foreign Universities in *France* and *Italy*, requesting their Judgments about it, who do all generally declare in his Majesty's Favour; to wit, that of *Paris*, May 23. 1530. That of *Orleans*, April 1. 1529. That of *Angiers*, May 7. 1530. That of *Bourges*, June 10. 1530. That of *Thoulouse*, the 1st of *Octob.* 1530. That of *Bononia*, June 10. 1530. And that of *Pædua*, July 1. 1530.

Dr. Cranmer (who was afterwards Lord Archbishop of Canterbury) being consulted with by the Secretary of State, (who met with him accidentally at *Waltham*) about this Case of the King, He gave his Opinion in these Words.

That it would be a shorter and safer way once to clear it well, if the Marriage was unlawful in itself by virtue of any divine Precept, for if that were proved, then it was certain that the Pope's Dispensation could be of no force to make that lawful, which God had declared to be unlawful.

This Decision of that most reverend Prelate and renowned Martyr is most pat and pertinent to our purpose, and accordingly I shall resolve the Case in this Proposition.

That the Marriage of the deceased Wife's Sister is sinful, utterly unlawful, forbidden, and condemned by God.

SIN is not to be perpetrated upon any account, whatsoever Honour, Pleasure or Advantage may be pretended, expected, acquired, or enjoyed by it; they will never countervail those Damages the delinquent Creature shall sustain by it. But this Marriage is a Sin, for it is forbidden by the Law of God. See 18. *Leviticus* 6. 9. *None of you shall approach to any that is near of kin to him, to uncover their Nakedness. I am the Lord.* Note, I beseech you, that the Prohibition is General, and that the Authority of the Legislator, which is Sovereign and Despotical, doth establish and render it inviolable and unchangeable. But in verse the 9th, the Law is more special

special and particular, 'The Nakedness of thy Sister, the
 ' Daughter of thy Father, or Daughter of thy Mother, whe-
 ' ther she be born at home or abroad, that is, whether she be
 ' of the whole or half Blood, thou shalt not uncover their
 ' Nakedness. And again, Chap. 20. v. 17. If a Man
 ' shall take his Sister, his Father's Daughter, or his Mother's
 ' Daughter, and see her Nakedness; and she see his Naked-
 ' ness, it is a wicked thing, and they shall be cut off in the
 ' sight of their People. He hath uncovered his Sister's Naked-
 ' ness. He shall bear his Iniquity. And verse 21. If a Man
 ' shall take his Brother's Wife, it is an unclean thing. He
 ' hath uncovered his Brother's Nakedness, they shall dye
 ' Childless.

' I cannot pass by the judicious Annotations of our
 ' most learned Ainsworth upon these Texts. By this
 ' word Approach, saith he, The Hebrews do say, who so com-
 ' eth to any of these Nakednesses, (the unlawful Copulations
 ' mentioned in those two Chapters) either by way of Copulation,
 ' or that embraceth and kisseth by way of Lust any of his kin,
 ' is to be beaten by the Law. For the meaning is, ye shall not
 ' approach unto the thing, which may bring you to the unrove-
 ' ring of their Nakedness. And it is unlawful for a Man to
 ' make Signs with Head, Foot, or Eye, (as 6. Prov. 13.) to
 ' any of these, to sport with her, or to gaze on her Beauty, near
 ' a kin. The Hebrew Sheër signifieth Flesh, 73. Psal. 26.
 ' 5. Prov. 11. And as Basar Flesh is used sometimes for
 ' Kindred, 29. Gen. 14. So is Sheër in this Case of Mar-
 ' riage and Copulation, and so by the Chaldee and
 ' Greek it is translated near and near of kin. Nakedness,
 ' that

• that is the secret or shameful parts of the Body, whereof
 • since Sin came upon Mankind, we are most ashamed. There-
 • fore the Greek translateth it shame or uncomeliness, which also
 • the Holy Ghost alloweth in 16. Revelat. 15. and 3. Reve-
 • lat. 18. It is called the shame of Nakedness. To uncover
 • the Nakedness here meaneth carnal Copulation and Incest,
 • not only out of married Estate, but also unlawful and ince-
 • stuous Marriages. The Hebrews say whatsoever Copulation
 • is forbidden in the Law, for which one is guilty of cutting
 • off, and which are spoken of in Leviticus, v. 18. They
 • are called Nakednesses, as with Mother, or Sister, or Daugh-
 • ter, and the like.

• Verse 9th. Whether she be born at home, Hebrew,
 • of the birth or kindred of the House (or Home,) or of the
 • birth abroad; which the Chaldee expoundeth thus,
 • Which is begotten of the Father or of another Woman, or of
 • thy Mother by another Man. The Hebrew Canons
 • further explain it thus, whether she be his Sister by the
 • Father, or by his Mother, either in married Estate or by
 • Fornication, as if his Mother or his Father have committed
 • Whoredom with others, and he hath a Sister from Fornica-
 • tion; Loe this is Nakedness that is forbidden unto him, as
 • it is written, born at home, or born abroad. So in Targum
 • Jonathan 'tis expounded, whom thy Father hath begotten
 • of another Woman, or of thy Mother, or whom thy Mother
 • hath born by thy Father, or another Man.

Now the great enquiry will be what kind of Law is
 this, which prohibits these Marriages. To which I
 answer,

answer, it must be either one of the Ceremonial, or Judicial, or Moral Laws.

1. Not a Ceremonial Law, because those Laws had an especial Reference unto Christ, typified Christ, or something relating to Christ, which this doth not in the least.

2. The Ceremonial Law was abolished by the Death of Christ, and utterly extinguished with the Temple of *Jerusalem*, which was the Seat and Center of all the Jewish Ceremonies. But this Law is in Being, and full Power, Force, and Vigour to this very Day, not only in the Christian World, but among the civilized Nations that are not Christian.

If any one should urge that these Marriages are solemnized even in the Christian World, and that a great Prince dethroning some Years ago the King his elder Brother, did also marry his Wife, his Sister in Law, and this by Papal Dispensation. I answer, that any Lawyer will tell you that the Dispensation procured for the solemnizing of this Marriage, was so far from invalidating or enervating the Law which prohibited this Marriage, that it did the more validly ratifie and confirm it. For if so be the Marriage had been lawful, there was no need of a Dispensation to proceed unto its Celebration; but because it was unlawful, therefore there was a necessity of getting a Dispensation to legitimate it.

2. Nor secondly is it a Judicial Law, because it was violated by them, to whom *Moses* his Judicials were

were never given, yea and long before this divine Legislator had enacted or promulgated any of these Laws. For 'tis most certain the Judicials did primarily, if not solely affect and oblige the Citizens of the Commonwealth of *Israel*, who of all People of the World had this peculiar Priviledge to be under a *Theocracy*, a divine Government, whose King and Sovereign was Jehovah the most high God (as is evident from 1 *Sam.* 8. 7. and 33. *Ezay* 22.) and whose Laws were divine Laws, given them by God himself, 20. *Exod.* 1. &c. Nor were any other People or Nations obliged by them, farther than by their Equity. But the *Amorites* who dwelt in the Land of *Canaan*, had transgressed this negative Precept, *It is not lawful for thee to marry thy Brother's Wife, she that had bin so, nor thy Wife's Sister*, and were therefore destroyed by the *Israelites*. And this Sin of theirs was committed before *Moses's* Judicials were known or published in the Land of *Canaan*, therefore it is none of these Judicials.

3. Wherefore thirdly it remains that it must be a moral Law. And thus when the Lutheran Divines in *Germany* had been consulted with in this Case, did they peremptorily determine it. Their Decision was sent unto *Henry* the 8th, in Latin, which for the benefit of my English Reader, I shall translate into our Mother Tongue.

‘From this Conference which we had with the Right Reverend Lord Edward, Lord Bishop of Hereford, and with Mr. Archdeacon Nicholas, and Mr. Doctor Barnes, we were fully

fully informed of those Arguments which they had propounded,
 and most industriously managed in and about that weighty
 Controversy of the Divorce of the most serene and most illu-
 strious King of England, France and Ireland, and they
 gave us to understand that his most Excellent Majesty was
 induced by very great and powerful Causes, and even ne-
 cessitated to do as he hath done in this Business of his Mar-
 riage. For this is evident, nor can any one deny it,
 that the Law delivered in the 18. Leviticus verse the 20.
 doth forbid a man to marry his Brothers Wife, &c. That
 this Law must be understood to be a divine, natural and moral
 Law, forbidding not only the marrying the Wife of the
 living but of the dead Brother. And that against this Law
 none other Law can be made or ordained, even as the
 Universal Church hath always kept and observed this Law,
 and judged such Marriages to be incestuous, as is evident
 from the Decrees of Synods, and the declared Opinions of
 the most holy Fathers. Yea also the Civil Laws do for-
 bid these Marriages, and do style them incestuous.
 And we our selves also are of the same Judgment with them,
 that this self-same Law of not marrying the Brothers Wife
 is to be observed in all our Churches, as a divine, natural,
 and moral Law. Nor would we allow or suffer especially before
 the Fact, that such Marriages should be contracted. And by
 the grace of God we both can and will defend easily as
 with a wet finger this our Assertion. But as to what con-
 cerns the Divorce, we are not as yet so fully perswaded as to
 declare our Opinion about it, whether after a Marriage so

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‘ contracted (as is the particular Case of this most Serene
 ‘ King) there should be a Divorce made. We therefore be-
 ‘ seech his Majesty to take in good part this Suspension of
 ‘ our Opinion till such time as we are better satisfied in our
 ‘ Minds concerning it.

If any one should ask of me whether this be a moral natural Law, or a moral positive onely, this particular negative Law given by *Moses*, I answer it is not much material whether it be the one or other: It will be enough for us if it be only a *moral positive Command*. It's true the *Lutheran Divines of Germany*, who were consulted with all the last Age about this Article of *Henry the Eighth's* marrying his deceased Brother's Widow, did in this Rescript of theirs, which I just now produced, peremptorily and expressly assert it to be a divine, natural, and moral Law. And if so,

Then 1. It is an *Universal Law*, binding and obliging all Mankind in all Ages, in all Places and Bounds of their respective *Habitations*.

2. It is perpetual, of lasting Force and Power at all times, as long as there shall be any of the Children of *Adam* upon Earth.

3. And therefore thirdly, it must needs be indispensable, no Man, no King, no Emperor, no Pope can permit, warrant, or authorize the Marriage of such near Relations: For it must be a Power equal to that of the Supreme and Sovereign Legislator and of God Himself, the Author, Creator, and Preserver
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of Humane Nature, that can dispense either with the Breach of a divine moral positive Law, or of a divine moral natural Law. But certainly it is beyond all possibility of doubting or denials that the Power of Men, Kings, Emperors and Popes is infinitely inferiour to that of God's.

Before we proceed any farther, it will be necessary to enquire a little into the Notion and Degrees of Kindred, and the Line of it. Persons are said to be akin each to other, either by Consanguinity or Affinity.

1. By Consanguinity, which is a Communion in Blood, derived from one and the same Stock, as Brethren and Sisters from one or both Parents, of the full or half Blood: And so likewise the Father's or Mother's Brother and Sister are of Consanguinity and their Children.

2. Kindred by Affinity is a Relative Alliance, wrought out, and coming in by Marriage. As the Brothers Wife is of Affinity to the Brother, and thus also the Uncles Wife is of Affinity to the Nephew.

3. A Line is a Collection of Persons coming from the Stock or Root. This is threefold.

1. The Right Line ascending, as the Father, Grandfather, Great Grandfather, &c. or the Right Line descending downward, as the Son, Grandson, Great Grandson.

2. The Line collateral *above* as the Fathers Brother,

, or 2. in the *middle*, as Brother, Sister, Uncle's Children, or thirdly *below*, as Brother's Son or Daughter, and their Sons and Daughters.

3. A Degree in Affinity or Consanguinity is the distance of Persons from the Stock, either near or afar off. Here note

1. That in the Right Line ascending and descending, there are as many Degrees as there be Generations and Persons: As the Son is one degree from his Father, in the second degree from his Grandfather.

2. In the Collateral Line there are so many Degrees as Persons, one being taken away, as *Isaac* and *Bethuel* the Sons of *Abraham* and *Nachor*, both the Sons of *Terah*, by whom the Account passeth, and from whom they on each side descend, is not reckoned. Thus *St. Ambrose* Bishop of *Millaine*, in his time shewed that the Computation was thus, Brother's Children are joined together in the fourth degree. See his 66. *Epist.*

3. In the Collateral Line the Prohibition is extended to the fourth Degree.

4. In the Right Line ascending and descending, the Impediment of Marriage is perpetual, when they are alive and dead, because grounded upon the Law of Nature.

5. The same Degrees are forbidden ascending or descending by the like Analogy.

6. The

6. The same Degrees are restrained, by the like Analogy in both Sexes, as well on the Man's part, as on the Womans, as 'tis not lawful for the Father to marry his Sons Daughter or his own Daughter, so neither is it lawful for the Mother to marry her own Son or Grandson, either by Son or Daughter.

7. Where the Degrees farther off are forbidden, the nearer are inclusively prohibited. For if it be not lawful for *Lot* to uncover the Nakedness of his Grand-daughter, much more unlawful is it for him to uncover the Nakedness of his immediate Daughter.

As to Degrees of Affinity there are Two Rules.

1. That in what Degree of Consanguinity the Husband is distant, in the same Degree of Affinity is the Wife removed; because the Husband and Wife are but one Flesh. As the Uncle is in the third Degree of Consanguinity, so is his Wife of Affinity.

2. One Person added unto another by carnal Copulation changeth the kind of Affinity but not the Degree. As the Brother's Wife is of Affinity in the second Degree and first kind, if after she marry another Husband, he is in the same Degree of Affinity, but in the second kind.

We must note that there are Three Kinds of Affinity, the next, the middle, and the remote. Thus the Brother's Wife, and the Sister's Husband
are

are in the first, the next kind. The Brothers Wife's Husband is in the second, the middle. The second Husband's second Wife is in the third, the remote. Affinity bindeth only of necessity in the first kind, in the second for publick Honesty and Decency, in the third of mere Curiosity not in Conscience.

Affinity in the first kind is a perpetual Bar and Impediment to Marriage, not only during Life but afterward. For though the Wife be dead, yet her Kindred are of Affinity still unto her Husband. The Husband himself is of Affinity to all his Wives Kindred. And so likewise the Wife to her Husbands.

But I foresee some Objections that will be raised, let me assail them, and I will then confirm my Proposition.

1. *Object.* This cannot be a moral natural Law binding and obliging all universally. For then Mankind must have perished in their Root. *Cain* married his own Sister, for if He had not, there could not have been a Succession of Men in the World. God creating only one Man and one Woman.

Answ. But 1. I reply, that 'tis none of my Assertion that this is a Moral Natural, but a Moral Positive Law: So that this Objection doth not here in the least affect me.

2. I shall grant once for Dispute sake, and to gratifie my Opponent, that this is a Moral Natural Law;

Law; and yet *Cain* did not sin against, nor violate the Law in marrying his own Sister. For God, the God, Author, and Creator of Humane Nature, when he gave this Law to be a perpetual and inviolable Rule to human Nature, did not thereby tie up himself, although he tyed up Mankind. Besides he can for wise and just causes of his own (reserved in the Cabinet of his own Breast, and which he is in no wise obliged to give his Creatures an account of) dispense with his own Law: Yea and he did actually dispense with it unto *Cain*; and if Men will demand a Reason of God's Dispensation, it may be this, *The present Exigent requiring it, such is my Will and Pleasure.* We are bound indeed to observe the Law; but God is not bound to observe and keep it: And as the Lord of the Sabbath hath changed the first Sabbath from the last Day of the Week in the Creation, into this first Day of the Week, which we now celebrate because of his Resurrection: So also as I said even now for wise, good, just, holy Ends and Reasons of his own, the Lord of the Law of Marriage may and did dispense with his own Law of Marriage. He hath obliged us thereunto perpetually, but never did himself: Absolute Sovereignty can do what he pleaseth, nor can we say unto him, why dost thou so?

2d. *Object.* Then it seems Necessity is a sufficient Warrant to violate God's Moral Law.

Ans.

Answ. I think we must here consider a few things.

1. That there is a twofold Necessity, one of Man's making, and another of God's.

2. We must distinguish betwixt God's Permission and Tolleration, and betwixt God's Allowance and Approbation.

3. Betwixt an involuntary Suspension of Duty upon an unavoidable Occasion, and a willful deliberate Rebellion against the Divine Law. Let's apply these to our purpose.

1. The Necessity into which *Cain* was brought, was not a Necessity of his own making, but of God's, who though he had, and still hath, and will for ever have an inexhausted fullness of Omnipotency, and could if it had so pleased him, have created at first many Men and many Women to have been the Parents of Mankind, yet in his infinite Wisdom he saw it most fit and meet to create but one Man and one Woman, to be the common Source and Root of their future Offspring. Now there being none other Women in the World besides his Mother and Sisters, *Cain* must of necessity marry his own Sister, or not marry at all; so that he is thus far acquitted from the Violation of this Moral Natural Law. But if a Man bring himself by sin into a Necessity, which he might have at first avoided, although he could not afterward, of breaking this Law, I cannot see how he can be absolved. His Plea
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of Necessity is of his own making, therefore it will be rejected. How can he answer this Interrogatory? Who brought you into this Necessity? Not God; for he never necessitateth any one to Sin, or to violate his Law. So that notwithstanding his Pretence of Necessity, he is yet guilty before God; at best, his Necessity will excuse him but *à tanto*, not *à toto*, from somewhat, not from the full and whole Offence and Guilt.

2. In the Case of *Cain*, the Act of Obedience unto this Law was suspended, and that for this once, it being an Occasion unavoidable; for he had none but his own Sister to marry, and he must either marry her or burn. But now adays the World is wide enough, and Men may pick and chuse where they please, without leaping over God's Pale, or breaking down God's Hedge and Inclosure; so that here is no room nor ground at all for pleading Necessity. It must therefore needs be a deliberate, wilful, and if also it be wittingly done, a most horrid aggravated Impiety and Rebellion against the Divine Majesty. Were a Man in the Isle of *Pines*, out of all possibility of Commerce with the rest of Mankind, there would be some Shadow of Reason for such a Plea. When the Heathen Mariners in that dreadful Storm did cast *Jonas* over-board, and when Soldiers shall fight in their own Defence, or Christian Slaves shall work upon the Sabbath Day, their Plea of Necessity is admissible, and will excuse them if not *à toto*, yet *à tanto*; especially if this Necessity came from God immediately, and not from themselves.

3. Lastly let it be considered, that in the Case of Necessity at the best there is but God's Permission and Toleration for that time, not an indefinite Approbation of the like Action for the future.

3d Object. But what will you say to the Case of *Abraham*? He was under no Necessity, yet he did marry his own Sister, 20. *Gen.* 12. *And yet indeed she is my Sister, the Daughter of my Father, but not the Daughter of my Mother, and she became my Wife.*

Answer 1. All Actions of God's Saints are neither imitable nor justifiable, because *Amram* married his ~~Wife's~~ Sister, his own Aunt *Jochebed*, and because *Abraham* married his Niece or Half Sister; this is no warrant for any Man to marry the Widow of his deceased Brother, or the Sister of his deceased Wife. These were Blemishes in these Saints, as there be Spots in the heavenly Bodies, we are to walk by Rule, and not by every Example, by Precept, and not by Precedents; we are to be followers of Saints no farther than they are of God.

2. But if it should be urged, that this was a moral natural Law; I reply, that Nature, since the Fall is very much impaired and depraved, a dark Night of Ignorance of many necessary and important Duties hath envelopped the Understanding of Man, and our Memories are exceeding feeble, leaky and forgetful. So that it might be, as I conceive it was, a Sin of Ignorance in those Two famous Patriarchs; and the Times and Facts done in that estate of Ignorance God *immedi* did overlook, did seem to connive or wink at, to pass them by, as if he did
take

take no notice of them. And *Paul's* Plea in another Case might be theirs in this, *I obtained Mercy, because I did it ignorantly through unbelief*; so they obtained Mercy, because they did it ignorantly, either not knowing, or having quite forgotten the Moral Natural Law of Marriage.

3. But there is another Answer, which if it do not cut the Throat of this Objection, yet may dissolve much of the Power and Force of it, and it is this. That *Sarah* was the Sister of *Abraham*, as *Lot* was his Brother, that is, she was his Cousin German: Any one that is acquainted, tho' but in a little measure with the Commonwealth of the Hebrews cannot but know this, that they did ordinarily stile their Cousins their Brethren and Sisters. And so *Abraham* might say truly according to the Hebrew Idiom, that *Sarah* his Wife was his Sister, that is, his Kinswoman. But if this will not go down, let me add in the Fourth Place, that the Hebrew Divines do say (and I know no reason to the contrary why we should not believe them) that *Sarah* was not *Terah's* Daughter, but his Grand-daughter, her Father was *Haran* the Son of *Terah*, and she is the same that is called *Ischah*, (she having Two Names, a thing common and usual among the Hebrews) 11. *Genes.* 29.

Instance. But *Abraham* saith she was the Daughter of his Father.

Answer. And I do own it also. *Terah* begat *Haran* of his first Wife, but by another Wife he begat *Abraham*, who married *Ischah* aliàs *Sarah*, the Daughter of his Half-Brother *Haran*; so that he did not marry his uterine Sister, but his Niece of the half Blood, his own Father's

Grand-daughter ; a Marriage in those Days against which there was no known Prohibition, and which God the supreme Lawgiver connived at, or indulged for that time, altho' he did afterward expressly forbid it.

4. *Object.* But yet 'tis farther urged, that the Israelites did marry, yea and were commanded to marry the Widow of their deceased Brother, 25. *Deuteron.* 5. Therefore the Marriage of a dead Brother's Widow, or of a dead Sister's Husband is not unlawful.

Answer 1. I could reply that there is no general Rule, but admits of some particular Exception, Limitation, or Restriction. This was a special Case, and for a special end, viz. to raise up Seed unto the deceased Brother, that his Name might not be forgotten in *Israel* ; but if he had left any Issue behind him, it had been utterly unlawful, an hainous Sin, no less than Incest in the Brother to have copulated with this Widow.

2. This was a particular Law unto the Hebrews, not in the least binding us, or any other Gentile Nations, and it expired when the set appointed time of Reformation by the great and sovereign Lawgiver of the Church came, when the Church-State and Civil-Polity of the Jews were both dissolved. It was one of *Moses* his Judicials which he gave unto that People, and could be no longer in force than whilst they were a Church and Body Politick : But 'tis Sixteen Hundred Years ago that they ceased to be such, and have been ever since rejected and cast off by God, having committed that most execrable and unparalleled Parricide upon the Lord of Glory: God hath branded

ded them with that infamous mark of *Cain*, to be Fugitives and Vagabonds upon the Face of the Earth, and so are become *Lorubamah* and *Loammi*, none of God's People, such as upon whom he will have no Mercy, and the Generation of his Wrath and Curse. How these should come to be invested with the Priviledge of a Theocracy, and to be the present Proprietors, Possessors, and Subjects of divine Laws, is a riddle that I cannot resolve, especially when as at this Day, they are not Owners of one Foot of Land in the known or civilized World. Yea and although they have their Synagogues allowed them in many Christian States, Kingdoms and Dominions, yet those Lords and Princes where they live, do take sufficient care to abridg and restrain them in the Exercise of their Discipline, and Observation of any Laws given unto their Fore-fathers, which do clash with those of that State and Kingdom, in which they are permitted as Strangers to reside and sojourn.

3. This Law of marrying the Widow of the dead Brother, did not extend to every Brother, but only to the first-born; so that it only obliged *Simeon* and *Levi* and the younger Brethren of *Reuben*, in case he had no Children to marry his Widow: But in Case *Simeon* the second Son of *Jacob* and Brother of *Reuben* had died without Children, neither *Levi* nor *Judah* were under any Obligation by this Law to marry the Relict of *Simeon*. God seems to have provided this Law to preserve the Dignity and Name of the first-born.

4. Yea and our Jewish Masters do acquaint us, that it bound the Brother by the Father's side only, for the Brother of the half Blood was with them counted no Brother in this Case, and so not under the Obligation of this Law.

5. *Object.* But the divine Historian giveth us this Account of *Jacob's* Marriage, that he married Two Sisters together at the same time, and possibly within a Week, or a very short time one of the other, 30. *Genes.* 21. to 30.

Answer. This Objection is so very weak and trifling, that were not our incestuous Persons hard put to for Arguments to vindicate their sinful Pranks and Nuptials, they would not as drowning Persons catch hold of such a feeble twig as this to help and preserve them, one word will easily cut its Ham-strings.

1. *Jacob's* Marriage with *Leah* was a mere trick put upon him by his unrighteous Father in Law. Cunning Crafty *Laban* cheated honest plain-hearted *Jacob* by substituting his Daughter *Leah* instead of *Rachel* in the dark Night into his Bed, who might therefore most justly have repudiated her, for she was not the Person that they had both agreed upon in their Marriage-transaction, to have been given him for his Wife. And such a notorious Error as this was, the very Person not being the same for whom they covenanted, and He served Seven Years Apprenticeship, and who was upon these Conditions promised him, and whom he intended to have espoused; Casuists do unanimously determine that it doth null, dissolve, and make void the Marriage: It being
no

no Marriage before God, yea notwithstanding that he had cohabited with her by conjugal Performances, *Jacob* might warrantably enough have returned *Leah* back again unto her deceitful Father, she was none of his Wife, and that both *Leah* and *Laban* did very well know.

2. This very Marriage was afterward expressly forbidden of God, 18. *Levit.* 18. *Thou shalt not take a Woman to Wife to her Sister, it will vex her, thou uncoverest her Nakedness,* that is, if thou hast the other in her life time, it is Incest, and that he should not after her Death marry her Sister, I shall prove evidently by and by.

3. Some by a Woman to her Sister to Wife, do not understand a Sister born of the same Parents, whether of the whole or half Blood, but a Woman at large, who by Reason of her Sex and Nation, not because of Consanguinity is her Sister; she is not to be married during the Life of the first Wife, and so make this Law to prohibit Polygamy, the Sin of *Lamech*. But I shall not enter upon the Examination of this Gloss; what I have said before is a sufficient Answer unto the Objection.

6. *Object.* But the Palmary Argument for these Marriages, and upon which the Parties concern'd do most depend, is this, their great Expediency. ' *A Man hath received some Thousands of Pounds with my deceased Child, and was a very kind Husband to her, why should so much Money, such a fair Stock in Trade, and so good a Relation as this be lost as to my Family? I have another Daughter to dispose of, let her enjoy this good natured Gentleman, and his Money, Stock, Trade, Estate,*
' *and*

and Wealth will be devolved upon the Children that shall be begotten on her Body, let them be married.

Another saith, I am left with a Family of small Children, my own Relations are unnatural both to me and them, they take no care of them, nor of my Concerns; I am necessitated to be abroad in the World to seek a Livelihood, and to get Bread for them; and in my Absence my poor Orphans are neglected, and my Goods imbezelled and purloyned. My dead Wife hath a surviving Sister, of a sweet loving Disposition, kind and compassionate to my Children, she will make a good Wife for me, and the best Mother in Law for them.

Hereupon the Marriage is consummated, *Ans/w.* But in truth Incest is hereby committed, Infamy, and Troubles both in Body and Mind, upon their Estate, Family and Posterity are contracted, accumulated and entayled: These are the Expediencies of such a Marriage; God is highly dishonoured, his holy Law violated, the Consciences of the married couple after some time woefully entangled and perplexed; they are the common talk of Town and Country, a Reproach among their Neighbours, the Pity and Grief of their best Friends, their Children are hooted and pointed at as a spurious, illegitimate Brood and Off-spring, upon whom God will visit the Iniquity of their Parents. And pray what good will a great Estate, or a Mass of Riches do unto an awakened and disturbed Conscience? For it ordinarily issues in this; Here is Death in the Pot of all their Comforts. Now they lament their own Rashness and Follies in entring
so

so inconsiderately upon this sinful and unfortunate Marriage, and curse the Authors and first Contrivers of it, who have plunged them by their mischievous Advice and Counsel into those Doubts, Fears, and Perplexities, that they cannot tell how to extricate themselves out of them. As Strangers do not intermeddle with other Men's inward Joys and Comforts, so also it is not possible for them to see and feel their inward Disquiets, Fears, Sorrows and Horror. A guilty Conscience rouzed up and alarum'd with the Sight and Sense of Sin, with the Fear of God's Wrath and Vengeance, proveth an insupportable Burden; fain would it under its sorrowful Apprehensions of the just Displeasure of an incensed God depart from its *Herodias*, be divorced from this unlawful Marriage: But then it meeteth with great Oppositions from its own corrupted self, from this miserable World, from carnal Relations, from its unhappy Yoke-fellow and poor Children, who do all severally act their parts upon the Theater of this perplexed Soul, to its sore Affliction and Distraction, oppose and obstruct its good Resolutions possibly to its eternal undoing. Sinful self thus argues, 'O! this is a most dear, affectionate, faithful, careful, and beneficial Partner to me; why should I disoblige her, cast her off, and loose her? 'Twas I that courted, wooed, and brought her into these Bonds and Shackles; why shall I be so base and disingenuous as to separate my self from her, and leave her in the lurch? I shall never meet with such another Woman for conjugal helpfulness and assistance whilst I live; she hath deserved better at my Hands, than that I

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should

' should for her endearing Love, for her winning and engaging Car-
 ' riage, for her very considerable Fortune, so ill requite her, as to
 ' shake her quite off. What will the World say of me? but that
 ' I am one of the worst of Men, a Prodigy of Baseness, Unnatural-
 ' ness and Ungratefulness; One who having satiated my brutish
 ' Appetites upon a vertuous, harmless Person, do now most wickedly
 ' and unworthily seek her utter Ruin. How can I bear up under
 ' the heavy load of such deserved Calumnies and Reproaches?

' But I hear also the Rage and Thunder of her exasperated
 ' Relations, ringing loud and large Peals daily and hourly in my
 ' Ears. What? do you make Conscience and Religion a pretext
 ' to cover your Violence and Injustice? Do you thus ill requite us
 ' for our Love and Esteem of you, in preferring you above all
 ' other Persons in the World to the Marriage of our Daughter?
 ' Take heed what you do, and look to your self, for we will not
 ' put up the Affront; you shall give us the utmost satisfaction for
 ' this Injury and Indignity you do us and our Family. You shall
 ' be called to an account for it sooner or later. And now
 ' my poor Wife and Children also are in Tears, weeping and
 ' crying out, what have I done, saith she, to be thus wronged
 ' and abused by you? Have not I readily and chearfully perfor-
 ' med all the Duties of my Relation to you? Can you with any
 ' shew or shadow of Reason complain of me, that I have failed
 ' in any one point of conjugal Love, Loyalty, and Obedience to you?
 ' you cannot, yea and your own Conscience tells you you cannot; be-
 ' sides, if you will ruin me, why will you ruin and undoe these
 ' sweet Children? They are yours, Man! as well as mine, they
 ' be the Fruits and Pledges of our mutual conjugal Affection; I
 ' brought them to you in a lawful and honourable Marriage: Why
 ' did you seduce and chouse me with your golden Complements into this
 ' disastrous

' *disastrous Estate ? Why will you stigmatize these innocent*
 ' *Babes of ours by your folly and frenzy ? Why must these pass*
 ' *for a brood of Bastards with the World, and be branded as in-*
 ' *cestuous Births, Brats begotten of incestuous Parents ? Have*
 ' *I, or they deserved this at your Hands ? Then the poor Children*
 ' *cry, why, Father ! will you put away our poor Mother ?*
 ' *Why must she be turn'd out of Doors ? If you leave her, we*
 ' *will leave you, and so you will loose all that Comfort, Delight*
 ' *and Satisfaction that Parents have in their Children.*

Here now the very Bowels of this unfortunate Husband are torn in pieces ; and what between Nature and Conscience, what between Relations, Wife and Children, what between worldly Interests, and the Sense and Dread of God's Wrath, the Man is at his Wit's end, he knows not what Course to steer and take, he is grinded to pieces betwixt these Millstones ; and whom may he thank for his continual and unsufferable Anguish, but his own fleshly Lusts, his unreasonable and unsatiable Desires after the World, his foolish Compliance with those sinful Oracles, which he at first consulted in this vexatious and afflicting Business. These are the Imaginary and conceited Expedients, but real Mischiefs of this wretched and wicked Marriage. In truth had these Persons made God's holy Word the Man of their Counsel, when they first undertook it, had they but asked Advice from some Judicious Divine and able Casuist, from a faithful, skillful, spiritual Guide, 'tis very probable all these Heart-cutting, Soul-wounding Accidents might have been prevented. But when they first designed Mar-

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riage,

riage, God's end in it (which should have been theirs, and theirs principally) was never so much as thought upon, nor in the least intended. God's end in Marriage is an holy Seed, Children for God, to keep up his Name and Glory in the World ; but this was quite neglected and forgotten. The Marriage-makers, and Marriage-undertakers in our Days, do set up for the World, not for Heaven in their Marriages: They are for a rich and great, not for a religious and godly Family ; God was not in all their Thoughts about it. Thus the degenerate Sons of God in the old Antidiluvian World, chose the Daughters of Men because they were fair and beautiful, of high Birth, and noble Extraction ; because they were plentifully endowed with rich Portions, and an overgrown Estate. So that *Mammon* and *Belial*, Pride and Avarice are the only Gods with whom they consulted in the making of these Matches, and to these Deities did these Muckworms offer Sacrifice in the beginning, and pay their full Homage in the final Consummation of them. These are the Expediences and Conveniences which they pretended for them. But as for Religion, Profession, Practise and Power of Godliness to be kept up in their Families, and to be propagated by them down unto their Posterity after them ; this was the least in their Thoughts, possibly never at all in their Minds or Purposes. No wonder then that God doth blow upon, blast and accurse such Marriages, depriving them of those Comforts, that holy Marriages warranted and solemnized according to God's Institution are crowned and blessed

fed withal ; and visiting them with those bitter Afflictions, and uncomfortable Circumstances which makes them execrate the very Day and Hour that they ever ventured upon them.

But if any should reply, that these Married Persons are not inquieted, nor distracted with any of these inward Fears and Troubles of Conscience that you have even now mentioned ; they are brisk and lively, jovial and chearful in their Conversations ; they have Prosperity and Blessings upon themselves, Families, and temporal Estates, all is but sham, vain, and imaginary Terrors that you have been discoursing of and suggesting.

I answer, It may be true what you say concerning some of these married Persons, they are swimming at present in the pacifick Seas of worldly Happiness, but the Storm will certainly come, that is well which ends well : *There is no peace saith my God unto the Wicked, the Worm of Sin is at the Root of all their Gourds, so that how thriving and flourishing soever they may be, in a little time they will fade and wither. I have seen, said the kingly Prophet, the wicked in great Power, and spreading himself like a green Bay-Tree, yet he passed away, and Lo ! He was not : Yea I sought him, but he could not be found. I pray God the Prosperity of Fools may not destroy them.*

Having

Having removed these rubs out of our way, and dismissed these Objections, I shall now confirm my Position with these Arguments. 1. No incestuous Marriages may be lawfully celebrated. But the Marriage of the deceased Wife's is an incestuous Marriage. *Sister*

Therefore it cannot be lawfully celebrated.

THE Minor or second Proposition in this Syllogism, is that only which needs Proof, and I shall prove it presently; only before I prove it, let me a little explain the Major, which is this, that incestuous Marriages may not be celebrated, for they be forbidden and condemned of God. But it will be demanded of me, what is Incest? unto which I shall answer in the Words of the Casuists, *That it is a Coition with any Person nearly related to us by Blood or Affinity* (the degree of nearness they generally assert to be the Fourth) *in the fourth degree.*

There is a twofold Incest, One which is committed betwixt those of the ascendent or descendent Line; as if *Adam* or *Noah* were now alive this Day, they could not marry, or if they did, they must marry one of their own Children, (for they be all descended from them) which is Incest. This kind of Incest is called *Nepharious*, because 'tis a Wickedness that should not be so much as mentioned by any one, and when committed, its Memory should be buried in the Grave of everlasting Oblivion, and the Parents Names should never be registred, altho' the Children begotten of them were admitted unto Baptism. There have been such *Nepharious* commixtures
both

both in ancient and latter times. In the *East-Indies*, the brutish Natives have apologized for it with this Argument, such an one as it is, That if the Husbandman may lawfully eat the Fruit of that Orchard, which he hath planted, then a Father may with as good a Warrant know carnally his own Daughter, and the Mother her own Son, but Parables prove nothing. I have been credibly inform'd, and met with it also in Print both in French and English, 'That a young Lady living in the Province of *Languedoc* in *France*, being left a Widow with an only Son, her fond Affection to her Child, and heavy Grief for the Loss of her dear Husband, engaged her into a rash Vow of perpetual Widowhood, which she religiously observed for the space of Twelve Years, but then violated it after a most astonishing manner. For her Son being grown up, solicited a Maiden Gentlewoman that waited on her to commit Folly with him; but altho' she did vertuously and resolutely reject his Courtship, he renews his Suit and Battery with more frequency and Importunity than ever, insomuch that she to be rid of this dangerous Tempter acquaints his Mother with it. The Lady can hardly believe this Information against her Son, counting it a mere Calumny, a malicious Forgery to alienate her Affections from him. But this Accuser avowing stedfastly her Accusation, and demanding leave to quit her Service and Castle, that she might be out of the Rode of Temptation; the Lady then bad her make an Assignment unto her Son of Time and Place for Enjoyment, and she would be there
in

in her stead to give him such a Schooling for his attempt-
 ing upon her Chastity, as he never had in all his Life,
 and which should be a warning to him even to his dying
 Day. This young Gentlewoman at the next interview doth hereupon promise her Gallant, that the Night
 following, at such an hour, in such a Chamber she would
 bed with him. His wretched Mother according to Agreement supplies her Place, but instead of schooling
 and ratling her Son as she threatned and possibly had
 intended, she is now under a violent Temptation, and
 being surprized with a burning fit of unnatural Lust,
 she doth sottishly yield unto his Embraces, insomuch
 that she conceived by him. Finding her self to be with
 Child, she is overwhelmed with Horror and Confusion,
 and to provide against the Shame and Reproaches of the
 World, she calleth for her Son's Tutor, and furnishing
 him with Money, orders him to convey her Son unto the
 Lord *de Chaumont*, Great Master of the King's Household (*Louis* the 12th was then King) who is my near
 Kinsman, and a principal Commander in the Wars of
Italy, who will gladly receive him, and said she, dispatch
 hence without delay, and let him be gon early
 without bidding me Adieu. Accordingly the Governor taking the young Esquire with him, who was glad
 of the News, rideth away that very Morning. His
 Lady Mother after his Departure is plung'd into a deep
 Melancholy, and drowns her self in Floods of peni-
 tential Tears for her abominable Sin, and feigning her
 self to be very sick, she retires to the House of her
 Bastard-

(33)
‘ Bastard Brother, who lived in another part of the
‘ Country, whom she had obliged with very many Kind-
‘ nesses; unto him she discovers her unhappy Circum-
‘ stances, how that she is with Child, but conceals the
‘ Name of its Father, and begs his Assistance for her pri-
‘ vate lying in, and disposal of her Infant as soon as it
‘ shall be born; He performs faithfully the Office of a
‘ kind Brother, gets a Midwife and all necessary Accommo-
‘ dations for a Woman in her Condition; being well de-
‘ livered of a Daughter, he puts it out secretly as his own
‘ unto a Nurse, and the Lady at the Month’s end being
‘ finely recovered, returns to her own Castle again, where
‘ she passeth her time in great Austerities, Devotion and
‘ Pennance. When the Wars in *Italy* were ended, her
‘ Son writes unto his Mother to give him leave to see *France*
‘ again, and to pay his filial Duty to her; she fearing to
‘ relapse into her former Sin, doth not presently grant him
‘ his Request; but he soliciting her by divers Letters again
‘ and again for her License, she at last yields for his Re-
‘ turn, but upon this express Condition, that he never
‘ see her Face till he be first married, and bring his Wife
‘ with him. During this long Absence of her Son, the
‘ Daughter is grown Marriageable, and a perfect Beauty,
‘ and was by the Consent of her unknown Mother, put
‘ by her Bastard Uncle into the service of the Queen of
‘ *Navarre*, who loved her very tenderly, because of her
‘ Beauty and excellent Disposition, and resolved to prefer
‘ *Katharine* (for so she was called) to a rich Husband.
‘ Her unknown Father returning out of *Italy* happened to
‘ wait upon the Queen of *Navarre*, at whose Court he
‘ had

' had the first sight of this rare Beauty, and fell immediate-
 ' ly in Love with her, and with the Queen's consent
 ' marries her : Having consummated his Marriage, he ac-
 ' quaints his Mother with it, and brings home his young
 ' Wife with him. The Lady understanding with whom
 ' he was married, finds her to be his own Daughter and
 ' Sister. This incestuous Marriage of her two Children,
 ' throws her into greater Distress of Conscience than ever,
 ' insomuch that not being able to bear the burden of her
 ' inward Torments any longer, she rides over to the Pope's
 ' Legate at *Avinion* (whose Name was *George*, and of the
 ' House of *Amboise*) unto him she declares her enormous
 ' Sin in Confession, penitently craving his Ghostly Advice
 ' for her Conduct under these most perplexing Agonies :
 ' The Legate in Order to her Satisfaction, calls together
 ' a *Juncto* of Divines, able Casuists, to whom he propounds
 ' her Case, but without mentioning the Persons con-
 ' cern'd. These grave and judicious Doctors having ma-
 ' turely considered all Circumstances, do come to this
 ' Resolution, that the Mother should not in the least no-
 ' tifie this Affair unto her Children, because 'twas but a
 ' sin of Ignorance in them, but that she should under-
 ' go a very severe Pennance all her days for it. See *Les*
 ' *deux Marquerites*, pag. 433. to 441.

I have read also another such Case in a piece of Mr. *Luthers*, which happened on his Knowledge at *Erphurd* in *Germany* : And that holy Man of God, *Bishop Hall* in his *Cases of Conscience* hath the like Instance with this French one, related by me, see *Cases of Consc.* p. 413. to 417, &c. A certain Ship-Carpenter, who lived near a great
 Town

Town in the West of *England* had begot a Child, upon the Body of his own unmarried Daughter, and when the Minister of that Parish was taxed for baptizing this Infant, born of incestuous Parents, who testified no Remorse, nor had undergone any publick Pennance for their scandalous and most abominable Crime, he replied in his own Defence, that he was no Bishop to injoyn them Pennance, nor was the Discipline of the Church committed unto him, who was a Priest only, but no Prelate.

2. There is another kind of Incest, which altho' not so great as this before mentioned, yet is a very hainous Sin before God; this is committed by Persons in the same Line and Degree of Consanguinity and Affinity, as when Brethren and Sisters of the whole or half Blood, or Brethren and Sisters through Affinity shall cohabit together, and have carnal Knowledge of one another, whether they be married together, or be single Persons, this their Commixture is Incest.

Such Coitions as these are utterly unlawful, exceeding sinful in the Eyes of God, and because of the nearness of the Relation, are called Incest by the Civil and Canon Laws, which are in force in other European Nations, as also by the Statute Laws of *England*.

Such a Marriage as this is, betwixt a Man and his Wifes Sister, or betwixt a Woman and her dead Husband's Brother is Incest, in the Judgment and Opinion of Divine and Humane Law-givers; and therefore forbidden, 20. *Levit. 17. And if a Man shall take his Sister, his Father's Daughter, or his Mother's Daughter, and see her Nakedness, it is a wicked thing, not Chesed, that is, it is a*

most horrid Impiety, Shame and Reproach, 'tis an unlawful Action, 'tis an unspeakable Filthiness; we are at a loss, and want words to express the foulness of this Sin; 'Tis a very great Misery, a most woeful, and much to be lamented Transgression, *And they shall be cut off in the sight of their People: He hath uncovered his Sister's Nakedness, He shall bear his Iniquity.*

If any one reply, the Text prohibits the uncovering of a Brother or Sister by Consanguinity, but not by Affinity, I shall refute this weak Evasion by this my second Argument.

2 If a Man may not marry his own natural Sister, then he may not marry his Wife's Sister, so if a Woman may not marry her own natural Brother, nor may she her Husband's Brother; for married Persons are one Flesh, by God's holy Ordinance and Institution; *They two shall be one Flesh*, the most intimate and strictest Union in Nature; so that in the Account of God, their Relations by Affinity are as near to them as those by Consanguinity, a Man may not marry his own Sister, and therefore not his Wife's Sister. There is an Exception made against this Assertion, that notwithstanding the nearness of their Relation, we allow two Brothers to marry two Sisters, and yet these collateral Marriages, these reciprocal and cross Marriages are not all accounted incestuous. Nor indeed can they, for they are far enough from being such. Let me set this matter in its clear Light; *Zabulon* hath Three Sons, *Sered*, *Eblon*, and *Jemuel*; *Sered* marries (for Supposition I lay this down, not that he did so in truth) with *Kezia* the eldest Daughter of *Job*, *Sered* by this Marriage

Marriage is become Brother to the Two Sisters of his Wife, but his Two Brethren have no Relation at all unto them, neither by Consanguinity nor Affinity: If therefore *Eblon* marrieth *Jemima*, and *Jemuel* marrieth *Kerena-hapuch*, they do not uncover the Nakedness of any one near a kin unto them; for before their Marriage, tho' their elder Brother stands related to them by Affinity, yet they did not; so that they might lawfully contract their Marriage. And thus did *Mahlab*, *Tirzah*, *Hoglah*, *Milcah*, and *Noah*, marry with God's Approbation and good Blessing, Five Brothers, the Five Sons of their own Uncle: Families are hereby strengthened, fraternal Love corroborated and maintained, mutual Assistance in Case of Exigency and Necessity given and received. But I proceed to a third Argument, by which to confirm my Position, and it is this.

3. Marriages condemned by all Laws, Divine and Humane, Scriptural, Imperial and Canonical, ought not to be celebrated; but such Marriages as these, with the Widow of the deceased Brother, or with the Sister of the deceased Wife are condemned by all those Laws, therefore they ought not to be celebrated. The Assumption I have in part proved from express Texts of Scripture; and altho' I am no Jurist, nor are either the Civil or Papal Laws my Study or Profession, yet I shall offer one or two Quotations out of them, to evidence that such kind of Marriages are condemned by them. First, the Imperial Law will not suffer them, *We do utterly refuse all License to marry the Brother's Wife, or to be joyned unto two Sisters*, Code Book 5. Tit. 5. Law 4. of *Valentin* and *Theodosius*.
Again

Again in the same Book, Law 9. Thus the Emperor *Anastasius* enacteth, *we decree that all Dispensations and Licenses granted by the Prince, which do give leave to marry the Brother's wife, &c. shall be null and void.* My Author draweth hence this Inference, viz. That seeing the Laws of Princes do concur with the Law of God in the Prohibition of such Marriages, it followeth, that they are mere moral Precepts, and agreeable to the Law of Nature.

The rude and brutish Muscovites (whose Christianity hath been called in Question in a publick Disputation in one of the German Universities) are yet in these Marriages more nice and strict than the very Romanists. For *Joannes Faber* in his Treatise of the Religion of the Muscovites, assureth his Readers, that there was none ever found among them, who contracted Matrimony in the fourth Degree, nor do they dispense with any for so doing, wherefore they condemn the Papists for marrying their Kinswomen. *Damianus*, a *Goes* writes that the Christians in the Churches of *Aethiopia* do not marry any of their Blood until the seventh Degree; neither is it lawful for their *Abana* or Patriarch therein to dispense with any. The Churches of *Switzerland* in their last Confession, Chap. 29. do teach, that Marriages ought to be made lawfully in the fear of God, and not against the Laws, which forbid certain Degrees to join in Matrimony, *least the Marriages should be incestuous.*

The Reformed Churches of *France* have fully and clearly published their Judgments on this Article, as I have evidenced in my Synodicon, in *Galliâ Reformatâ*, Tom. I. first national Synod of *Paris*, in the Year 1559. cap. 2. can. 36. *The faithful may not contract Marriages within the prohibited Degrees of Affinity and Consanguinity, and the Churches are to take heed that all Scandals in this particular be avoided.*

And in the 2d national Synod at *Poitiers*, pag. 18. cap. 6. They do authoritatively determine this Question, in these words. *“ May a Man lawfully espouse the Sister of his deceased wife, who hath left him Children begotten on her Body by him? To which was answered, that this is in no wise lawful nor expedient, and the Church must see to it that no such Marriages be solemnized in it.* Again, let no Man marry his Brother's Widow, nor any Woman him, who was her Sister's Husband, Synod of *Vertueil*, in Synodic. *Gal. Reform.* vol. I. pag. 84. And

And in the 3d national Synod held at Orleans, in the Year 1562. When as the Lady *Margaret de la Vorie*, presented unto that grave Assembly her Petition concerning a Marriage, which she pretended to have been contracted, *between her self and the Noble William de Schillant*, requesting that the said Marriage might be ratified by their Authority. That general Council of the Reformed Churches of France rejected her Petition, and gave this Reason for it, *That they had approved, and do approve of that Sentence given by the Provincial Synod of Touraine, held at Mons the last October, by which the said Marriage was declared Incestuous, because the said de Schillant had formerly espoused the Sister of the said Petitioner, and it enjoined the said Lady to submit quietly thereunto, and to observe it with Repose and Tranquility of Conscience. Moreover this Council exhorts her to return unto her own Church, and there to make such acknowledgment of her Fault as the Consistory shall think meet.* 'And in the Synod of Vertueil, p. 34. 1567.' Let no man marry his Brother's Widow, nor any woman him who was her Sister's Husband; and this was the judgment of that famous Man of God, Mr. Calvin.

Yea and the Canons of the Church of Rome are evidently against these Marriages; for say they, *The Brother cannot have to wife his Brother's Spouse, much less can he have his Brother's Wife, that was not espoused only, but married to him*, Caus. 27. qu. 2. cap. 11. & Decret. Gregor. Lib. 4. Tit. 1. cap. 4. And it is not lawful to marry the Brother's widow, nor the wife's Brother's widow, Caus. 35. qu. 3. c. 8. Again, *I must so regard my Kinsman's wife of what degree soever, as tho' she were in the same Degree of mine own kindred*: By which Rule it is no more lawful for a Man to marry his Brother's Wife, (or his Wife's Sister) than his own Sister, and the Canon goeth farther, they that think otherwise are Antichrist, Qu. 5. c. 3. N.B. The Pope calls himself by craft, Antichrist, for 'tis he that by the Plenitude of his Power doth give and grant Dispensations for these Marriages. My fourth and last Argument shall be this.

4. God is not to be provoked to jealousy, for we are not stronger than God, but to marry with the Brother's Widow, or the deceased Wife's Sister is a provoking of God to Jealousie, and a bringing down Wrath and Vengeance upon our selves, and upon the Land. I read of no less than Three particular Judgments denounced against

gainst such Marriages; see *Levit. 20. v. 17. 22. and 23.*

1. *They shall be cut off*, i. e. Cut off with the Sword Ecclesiastical, they shall be excommunicated from the Body of the Church, from the Communion of Saints, which is holy, for these are unclean and prophane. Or, 2. They shall be cut off with the Civil Sword, for 'tis an Iniquity to be punished by the Judges; and the Civil Magistrate is God's Minister, God's Avenger to punish evil Doers, the Contemnners and Transgressors of God's Laws. Or, 3. They shall be cut off by God himself, who will not hold them guiltless altho' Man doth: For in Case the Magistrate shall not concern himself for the Violation of God's Law, yet God will vindicate his own Glory to the Costs of such daring Transgressors, who in this bright Day of Scripture Light shall affront his moral positive Laws. And they will at last find it by woeful Experience a very fearful thing to fall into the Hands of the living God.

2. There is another Judgment thundered against them, *They shall dye Childless*, God will destroy their flourishing Children.

3. Yea and they shall be destroyed, *even as the Canaanites were with an utter Destruction.*

Upon the whole, let it be considered, 1. That this Divine Law was never repealed by the Divine and Supreme Lawgiver, so that it is still in as full Force & Vigour as when it was first promulgated.

2. That such Persons are not upon any Pretence whatsoever to be contracted and marryed, because it will engage them in the horrible Sin of Incest, and expose them to the eternal and unsupportable Wrath of God Almighty.

3. Lastly, in Case such Marriages have been solemnized, they should be dissolved by lawful Authority, and the Parties divorced each from the other, and never upon the severest Penalties be suffered to cohabit one with the other, tho' they profess themselves to be Man and Wife.

4. And it might be wished that the Minister who celebrated such an ungodly Marriage did feel the just Indignation of the Civil Magistrate, for the great Dishonour he hath done to God; and Mischief to the poor ignorant and well-meaning Persons, and for the Sin and Guilt he hath brought upon the Nation, and great Reproach upon his holy and honourable Calling.



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